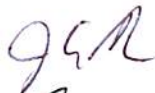


COMMISSIONERS APPROVAL

GRANDSTAFF

ROKOSCH



CHILCOTT



DRISCOLL



IMAN



PLETTENBERG (Clerk & Recorder)

Date.....January 22, 2009

Members Present..... Commissioner Carlotta Grandstaff, Commissioner Jim Rokosch, Commissioner Greg Chilcott, Commissioner Kathleen Driscoll and Commissioner J.R. Iman

Minutes: Beth Perkins

► The Board met for a continuance of the public hearing for Rivers Edge II Major Subdivision from December 9th. Present were Civil Counsel Dan Browder, Planner Randy Fifrick, Planner Tristan Riddell, Representatives Gordon Sorenson and Kirby Christianson, and several citizens.

Commissioner Grandstaff opened the hearing. She stated it was left off at the issue of the access easement.

Kirby stated they conducted a title search for the easement and found no historic easement in the location. He stated they are left with the plat map and civil counsel has already reviewed it. He stated he believes it is an 80% approved easement but without being sure, he requested contacting the adjoining landowners to sign off on the easement or provide an amended plat. He discussed what could happen if the amended plat was found to be a material modification based on new information. He stated they are hoping the amended plat with no lot configuration change would be found as new information and allow public to comment and then request Commission decision. Gordon presented the Board with an amended plat with a new access without changing drainfield locations. He stated the only change is moving the well on Lot 2 18 feet and DEQ would not have a problem with this move. He stated the impact of traffic onto Eastside Highway would be the same as originally presented with the same amount of cars.

Commissioner Rokosch asked what the distance is. Gordon replied it is way beyond the 150 feet minimum. Commissioner Chilcott asked if Old Eastside Highway is a County or State road. Gordon replied it is a County road and David Ohnstad has no problem with

the alternate access point. Commissioner Iman asked if the access would be abandoned between Lots 1 & 2. Gordon replied yes, by Commission petition.

Kirby requested Board permission to submit the new plat to the Planning Department as new information. He stated the developer would prefer to continue with the existing plat with the adjoining landowners' agreement to utilize the existing easement. Commissioner Chilcott noted it is whether it is a material change or not. Civil Counsel Dan Browder asked if it is preliminary plat. Gordon replied it is preliminary. He noted the utilities would come in that way for Lot 1 & 2. Commissioner Grandstaff clarified the plan would be submitted and if deemed as a material change, public comment would be re-opened. Randy replied they would have to start over again at element review or have a new hearing for public comment. Commissioner Chilcott questioned the criteria for material, the road layout is an element and access is an element. Tristan stated it will probably be a material change. He stated the choice would then be whether they need to start at element review or have another public hearing.

Kirby requested an extension until Planning Staff and Road & Bridge Department can review the amended plat and then request a new meeting. Commissioner Iman asked which option Kirby would be following. Kirby replied he would like to submit the amended plat while attempting to contact the adjoining landowners for the access easement with the original plat. Civil Counsel Dan Browder stated if the first option can work, there would be no amended plat and therefore, no need for a new public hearing.

Commissioner Chilcott made a motion to grant the request of the developer to extend this public hearing for Rivers Edge II major subdivision up to one year. Commissioner Driscoll seconded the motion and all voted 'aye'.

► Commissioner Grandstaff stated she had a discussion with Sheriff Hoffman regarding the Intoxilizer Room with the remodel at the Courthouse. She stated Sheriff Hoffman will try to raise money for the construction with other law enforcement entities. She also discussed the OVAW grant and contacting the grant administrator for previous issues raised. Commissioner Chilcott requested a legal question be submitted for clarification of county employees and employees who work under an elected official and what standards apply to them. Commissioner Iman questioned the grant administrator and the problems issued. Commissioner Grandstaff replied it would be a matter of a personnel issue and it would be a closed door meeting. Commissioner Chilcott stated with any elected official, if there is a meeting, the meeting is posted with public notice for them to attend. Commissioner Rokosch stated there is some responsibility for elected officials to stay in the loop and attend the meetings to be aware of what is happening. He added the need to send the County Attorney's Office the request submittal. The Board requested Commissioner Chilcott to submit the request.

Commissioner Grandstaff stated there is a request from Commissioner Driscoll to attend the MACRS (Montana Association of County Road Supervisors) Conference from March 30th through April 2nd costing \$100 per participant in Great Falls. After discussion, Commissioner Grandstaff stated the concern is the cost with the dire need to be at the

Legislative Conference in Helena. The other Commissioners agreed. Commissioner Driscoll stated if she decides to attend, she will pay for it.

► Commissioner Driscoll left to attend the Montana Women Vote Conference in Helena at this time.

► The Board met for an approval of a release of a letter of credit for the Centennial Lot 17, AP subdivision with Project Planner Jen De Groot. **Commissioner Chilcott made a motion to approve the release of the letter of credit #941(F) issued by First Security Bank for the Centennial Lot 17, AP subdivision. Commissioner Iman seconded the motion and all voted 'aye'.**

► The Board met with Vicki Judd from NorthWestern Energy to discuss tax year 2007 settlement and introduction. Present were Treasurer JoAnne Johnson and Internal Auditor Klarryse Murphy.

Vicki introduced herself to the Board and stated NorthWestern Energy protested 2007 taxes and settled with the Department of Revenue. She stated those taxes are to be released soon and the total protested amount was \$44 million dollars for the State. She stated the amount for county is approximately \$911,000. Commissioner Chilcott asked JoAnne when the funds were released. JoAnne replied she just released the 2007 taxes today and it will be distributed accordingly.

Minutes: Glenda Wiles

► The Board met for the following administrative matters:

- Signatures on Sub-recipient agreement for the Revolving Loan Fund (RLF) as per the motion made on December 19, 2008. Commissioner Grandstaff signed the final document that was sent as a draft to the Department of Commerce on December 19th.
- Commissioner Iman made a motion to adopt Resolution No. 2376 which is a budget transfer within the Commissioners budget for litigation purposes. Commissioner Rokosch seconded the motion and all voted "aye".
- Medicaid match agreement with Western Montana Mental – Civil Counsel Karen Mahar stated there are a few issues for indemnification and county liaison. She will make some changes and noted the monies go to the general fund.

► The Board met with Public Health for a discussion and approval of distribution of rabies vaccine. Present at this meeting was Deputy County Attorney Karen Mahar, Public Health Nurse Judy Griffin and Health Officer Dr. Carol Calderwood. Karen gave an update on the excessive rabies vaccine which is being stored in the refrigeration unit at the Public Health Nurses' Office. Karen stated they have missed three opportunities to utilize this vaccine since they have been working with the insurance company. Most

recently new requests have come in such as the local lab needs three doses as well as the City of Missoula and another Public Health entity in Missoula. The issue of cost for the doses is the issue since the excess vaccine has not been paid for by the insurance company. Karen suggested the county purchase the excess vaccine, because since they have been dealing with the insurance company, the county could have sold half of these doses. Karen noted they received a letter from the workers comp indicating they will pay for the employees and the insurance company has agreed to pay more than what they first stated they would pay. Judy noted there are 129 RIG doses and 43 IMOVAC doses of rabies are left. It was noted no one has paid Marcus Daly any part of the invoice that the hospital has already paid for (over \$100,000). Karen also noted the insurance is not covering any of the labor/personnel costs either, which is unconscionable. Karen stated the Board at some point may have to make a decision on whether to file suit against the school/insurance.

Commissioner Rokosch stated it is important to sell the left over vaccine at actual cost. Judy concurred. It was noted the hospital received a discount, so there will be an incentive for those in need to purchase from the county (as disseminated by the state) as it will cost less than from a regular pharmaceutical company.

The discussion included not making the hospital carry this whole amount of the vaccine by paying \$29,402.97; thereby allowing this vaccine to be utilized by those in need. In the meantime litigation issues can be carried forward by the County Attorney's Office. Karen will prepare a letter that will go with the check to the hospital noting that the County Attorney's Office will provide the legal services in order to obtain the balance of the monies which total approximately \$80,000. **Commissioner Iman made a motion for this payment and pursuit of collecting the balance of these monies for the hospital. Commissioner Rokosch seconded the motion and all voted "aye".**